

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION**

UNITED STATES OF AMERICA

v.

**STEVEN Y. KITE,
Defendant.**

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Case No. 5:05-cr-00022

**By: Michael F. Urbanski
Chief United States District Judge**

ORDER

On August 5, 2005, Defendant Steven Y. Kite entered a plea of guilty, pursuant to a written plea agreement, to a two-count information that charged him with possession of child pornography, in violation of 18 U.S.C. § 2252A(5)(B), and knowingly causing obscene matter to be delivered by mail, in violation of 18 U.S.C. § 1461. ECF No. 4. He was sentenced to a term of imprisonment of 33 months, to be followed by 5 years of supervised release. ECF No. 14. Kite was released to supervision on December 26, 2007, and he successfully completed his term of supervision on December 25, 2012. ECF No. 22. Kite has moved to terminate his obligation to register as a sex offender under 34 U.S.C. § 20915(b). ECF No. 19. The government has advised the court that it has no objection to Kite being relieved of his federal registration obligation. ECF No. 22. For the reasons stated below, Kite's motion is **GRANTED**, and his federal registration obligation is **TERMINATED**.

It is undisputed that Kite is classified as a Tier 1 sex offender under the Sex Offender Registration and Notification Act ("SORNA"), 34 U.S.C. § 20911. SORNA requires a Tier 1 sex offender to register as a sex offender and to keep the registration current for 15 years "unless the offender is allowed a reduction." 34 U.S.C. § 20915(a)(1). A sex offender can seek to reduce the duration of the registration period by maintaining a "clean record" for a period of 10 years. *Id.*

§ 20915(b). The requirements for a “clean record” are:

(A) not being convicted of any offense for which imprisonment for more than 1 year may be imposed;

(B) not being convicted of any sex offense;

(C) successfully completing any periods of supervised release, probation, and parole; and

(D) successfully completing [] an appropriate sex offender treatment program certified by a jurisdiction or by the Attorney General.

Id. When a Tier 1 sex offender maintains a “clean record” for 10 years, the duration of the obligation to register under SORNA “shall be reduced” from 15 years to 10 years. Id.

In response to Kite’s motion, the government acknowledges that “Kite qualifies under the statute to have his federal registration requirement terminated because he has maintained a ‘clean record’ for a period of 10 years.” ECF No. 22 at 4. Within the past 10 years, Kite has not been convicted of any offense for which a term of imprisonment of more than 1 year may be imposed, and he has not been convicted of any sex offense. Id. Additionally, the Federal Probation Office has confirmed that Kite successfully completed his term of supervised release on December 25, 2012, and that he completed a sex offender treatment program. Id. Because Kite has maintained a “clean record” for the past 10 years, he is entitled to the termination of his obligation to register as a sex offender under SORNA.

For these reasons, Kite’s motion to terminate his federal registration obligation is **GRANTED**, and his obligation to maintain a current sex offender registration under SORNA is **TERMINATED** effective immediately. Kite is advised that this order only terminates his federal registration obligation and that it does not terminate any state or local registration obligations he may have.

The Clerk is directed to send a copy of this order to the parties.

It is so **ORDERED**.

Entered: January 13, 2023

A handwritten signature in blue ink, appearing to read 'M. Urbanski', is positioned to the left of the digital signature block.

Digitally signed by Michael F.
Urbanski Chief U.S.
District Judge
Date: 2023.01.13 11:19:51
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Michael F. Urbanski
Chief United States District Judge